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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,297	03/22/2004	John Endrud	1353	1814

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EXAMINER

ADAMS, GREGORY W

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/806,297

Applicant(s)

ARCHER, DAVID J. ET AL

Examiner

Gregory W. Adams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 9-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 recites the limitation "said first extremity" in line 12. There is insufficient antecedent basis for this limitation in the claim.
4. With respect to claims 9-10 it is unclear whether just a "pallet" is being claimed, or just a pallet in combination with a vehicle and hoist. These claims will be treated as though they are pallet in combination with a vehicle and hoist.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7 rejected under 35 U.S.C. 102(b) as being anticipated by Ullmann (US 5,960,904).

7. With respect to claim 1, referring to FIGS. 1-4 Ullman discloses a pallet 10 for roof shingles 54 comprising a rectangular platform 12, 14, first stabilizing leg 18a, and second stabilizing leg 18b, a second stabilizing leg 18b having a first 37b and second extremity 48b, and a first stabilizing leg 18a having a first 18a and second extremity 48a.
8. With respect to claim 2, referring to FIGS. 1-4 Ullman discloses a platform 12, 14 comprising bars.
9. With respect to claim 3, referring to FIGS. 1-4 Ullman discloses a platform 12, 14 further includes a first side rail 56, second side rail 58, and bars secured to and reinforced by first edge rail and second edge rail.
10. With respect to claim 4, referring to FIGS. 1-4 Ullman discloses steel rails and bars. Col. 6, Ins. 13-14.
11. With respect to claim 5, referring to FIGS. 1-4 Ullman discloses a first leg 18a which extends angularly away from a platform, and a second leg 18b which extends angularly away from a platform.
12. With respect to claim 6, referring to FIGS. 1-4 Ullman discloses a pallet 10 further including a strengthening first fillet 28a and a strengthening second fillet 28b.
13. With respect to claim 7, referring to FIGS. 1-4 Ullman discloses a first leg 18a and first foot 52a, and a second leg 18b and second foot 52b.

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Ullmann (US 5,960,904) as applied to claim 1 above, and further in view of Turner (US 6,234,430). Referring to FIGS. 1-4 Ullman discloses a first foot 52a attached to a first leg 18a between an inner and outer ends, and a second foot 52b attached to a second leg 18bbetween inner and outer ends. Ullman does not disclose curved inner ends. Referring to FIG. 1 Turner disclose legs 10 with feet having curved inner ends 42 to accommodate slight unevenness in the floor but may be vertical legs where the floor is smooth and level. Col. 2, Ins. 49-52. It is noted that Turner discloses feet that come in contact with the supporting surface. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the inner ends of the feet of Ullman to include curved inner ends, as per the teachings of Turner, to accommodate slight unevenness in the floor but may be vertical legs where the floor is smooth and level.

16. Claims 9-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Ullmann (US 5,960,904) as applied to claim 1 above, and further in view of Dunbar (US 3,784,035). Ullman does not disclose a hoist and vehicle. Dunbar discloses a releasable hoist 10 and vehicle 11 to provide a self-loading and unloading vehicle for pallets 36 at a construction site. Col. 1, Ins. 5-20. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pallet of Ullman to provide a vehicle and releasable hoist, as per the

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teachings of Dunbar, to provide a self-loading and unloading vehicle for pallets at a construction site.

17. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ullmann (US 5,960,904) in view of Dunbar (US 3,784,035) as applied to claims 1, 9 & 10 above, and further in view of Gabriel (US 5,868,357). Ullman does not provide a camera and monitor. Referring to FIG. 1 Gabriel discloses a pallet 20 having a platform 11, 11' and further comprising a video camera 19 and remote viewing screen (col. 2 Ins. 36-39) to assist in positioning the load pallet 20. Col. 5, Ins. 5-10. It is noted that Gabriel discloses mounting the camera 19 on the pallet. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pallet of Ullman to include a camera and remote viewing screen, as per the teachings of Gabriel, to assist in positioning the load pallet.

18. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ullmann (US 5,960,904) in view of Dunbar (US 3,784,035) as applied to claim 1 above, and further in view of Gabriel (US 5,868,357).

19. Referring to FIGS. 1-4 Ullman discloses a pallet 10 for roof shingles 54 comprising a rectangular platform 12, 14, first stabilizing leg 18a, and second stabilizing leg 18b, a second stabilizing leg 18b having a first 37b and second extremity 48b, and a first stabilizing leg 18a having a first 18a and second extremity 48a.

20. Ullman does not disclose a hoist and vehicle. Dunbar discloses a releasable hoist 10 and vehicle 11 to provide a self-loading and unloading vehicle for pallets 36 at a

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construction site. Col. 1, Ins. 5-20. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pallet of Ullman to provide a vehicle and releasable hoist, as per the teachings of Dunbar, to provide a self-loading and unloading vehicle for pallets at a construction site.

21. Ullman does not provide a camera and monitor. Referring to FIG. 1 Gabriel discloses a pallet 20 having a platform 11, 11' and further comprising a video camera 19 and remote viewing screen (col. 2 Ins. 36-39) to assist in positioning the load pallet 20. Col. 5, Ins. 5-10. It is noted that Gabriel discloses mounting the camera 19 on the pallet. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pallet of Ullman to include a camera and remote viewing screen, as per the teachings of Gabriel, to assist in positioning the load pallet.

22. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ullmann (US 5,960,904) in view of Turner (US 6,234,430) and Dunbar (US 3,784,035), and further in view of Gabriel (US 5,868,357).

23. Referring to FIGS. 1-4 Ullman discloses a pallet 10 for roof shingles 54 comprising a rectangular platform 12, 14, first stabilizing leg 18a, second stabilizing leg 18b, bars, first side rail 56, second side rail 58, first and second edge rail, steel rails and bars, wherein first and second legs 18a-b extends angularly away from a platform, strengthening first fillet 28a, strengthening second fillet 28b, first foot 52a attached between inner and outer ends, and second foot 52b attached between inner end and

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outer ends, a second stabilizing leg 18b having a first 37b and second extremity 48b, and a first stabilizing leg 18a having a first 18a and second extremity 48a.

24. Ullman does not disclose curved inner ends. Referring to FIG. 1 Turner disclose legs 10 with feet having curved inner ends 42 to accommodate slight unevenness in the floor but may be vertical legs where the floor is smooth and level. Col. 2, Ins. 49-52.

It is noted that Turner discloses feet that come in contact with the supporting surface. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the inner ends of the feet of Ullman to include curved inner ends, as per the teachings of Turner, to accommodate slight unevenness in the floor but may be vertical legs where the floor is smooth and level.

25. Ullman does not disclose a hoist and vehicle. Dunbar discloses a releasable hoist 10 and vehicle 11 to provide a self-loading and unloading vehicle for pallets 36 at a construction site. Col. 1, Ins. 5-20. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pallet of Ullman to provide a vehicle and releasable hoist, as per the teachings of Dunbar, to provide a self-loading and unloading vehicle for pallets at a construction site.

26. Ullman does not provide a camera and monitor. Referring to FIG. 1 Gabriel discloses a pallet 20 having a platform 11, 11' and further comprising a video camera 19 and remote viewing screen (col. 2 Ins. 36-39) to assist in positioning the load pallet 20. Col. 5, Ins. 5-10. It is noted that Gabriel discloses mounting the camera 19 on the pallet. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pallet of



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Ullman to include a camera and remote viewing screen, as per the teachings of Gabriel, to assist in positioning the load pallet.

***Conclusion***

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5,911,767 to Garibotto et al. discloses a camera with remote viewing.

US 5,142,658 to McMorran et al. discloses a camera with remote viewing of a hoist and pallet.

US 6,688,050 to Sagio discloses legs and feet attached between inner and outer ends.

US 2003/0213416 for Strong et al. discloses a pallet with curved feet.

US 6,324,997 to Baker discloses a pallet with bars, rails, legs and feet.

US 4,326,467 to Schleicher et al. discloses a steel pallet with bars, rails, legs and feet.

US 2,885,073 to Bettoli et al. discloses a steel pallet for shingles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (703) 305-0555. The examiner can normally be reached on M-Th, 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gwa



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